



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

September 25, 2023

**VIA ECF**

The Honorable Loretta A. Preska  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Allen Severed Cases: Allen v. Koenigsmann (Allen II), 23-cv-05651; Daniels v. Mueller 23-cv-05654; Dickenson v. Mueller, 23-cv-05657; Dockery v. Dinello, 23-cv-05658; Gradia v. Dinello, 23-cv-05660; Hernandez v. Mueller, 23-cv-05661; Knight v. Lee, 23-cv-05662; Mathis v. Mueller, 23-cv-05663; Pritchett v. Dinello, 23-cv-05664; Rahman v. Lee, 23-cv-05665; Rivera-Cruz v. Mueller, 23-cv-05667; Stewart v. Lee, 23-cv-05668; [rel. Allen v. Koenigsmann, 19-cv-8173].

Dear Judge Preska:

This Office represents defendants Carl Koenigsmann, John Morley, Susan Mueller, David Dinello, John Hammer, and Kristin Salotti ("State Represented Defendants") in one or more of the captioned actions severed from Allen v. Koenigsmann, 19-cv-8173 ("Allen I"). See Allen I, Dkt. No 644. We write to join in the application filed by the Non-State Represented Defendants in Allen II, Dkt. No. 8, requesting a pre-motion conference to discuss the anticipated motions for summary judgment in all Allen-severed cases. State Represented Defendants also plan to move for summary judgment in these cases.

The reason for this request is that a pre-motion conference to discuss the upcoming dispositive motions was previously scheduled for September 6, 2023, but was cancelled due to the permanent injunction trial. State Represented Defendants believe there are scheduling and logistical issues concerning the upcoming motions that are best addressed via pre-motion conference. Furthermore, we respectfully submit that the apparent proposal of Plaintiffs' counsel that Defendants should be required to marshal their evidence and submit Rule 56.1 statements in advance of the motion deadline, and then be precluded from moving on any grounds other than qualified immunity, Allen II, Dkt. 9 at 3, would be contrary to law and unworkable.

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We thank the Court for its attention to this matter.

The parties shall appear for a telephone conference on September 27, 2023, at 11:30 AM. Dial-in: (877) 402-9753; access code: 6545179.

SO ORDERED.

  
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9/26/2023

cc: Counsel of Record (via ECF)

Respectfully submitted,

/s/ Michael Keane

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